

subject application. Accordingly, claims 1-5, 8, 9, and 11-14 are pending and are subject to restriction and/or election requirement regarding the subject application.

Restriction Requirement Under 35 U.S.C. § 121

In the April 9, 2008 Non-Final Office Action, the Examiner stated that the restriction to one of the following allegedly distinct inventions is required under 35 U.S.C. § 121:

- I. Claims 1-5, 11, and 12, drawn to a compound or composition of Formula (I), wherein R₈ and R₉ are a phenyl ring, and X is O;
- II. Claims 1-5, 11 and 12, drawn to a compound or composition of Formula (I), wherein R₈ and R₉ are a phenyl ring, and X is NH or N-CN;
- III. Claims 1-5, 11, and 12, drawn to a compound or composition of Formula (I), wherein R₈ is a pyridyl ring and R₉ is a phenyl ring, and X is O;
- IV. Claims 1-5, 11, and 12, drawn to a compound or composition of Formula (I), not previously described by the above groups;
- V. Claim 8, drawn to a method of treating or preventing a disease or disorder;
- VI. Claim 9, drawn to a process for manufacturing a pharmaceutical composition of Formula (I);
- VII. Claim 13, drawn to a method of treating or preventing a disease or disorder; and
- VIII. Claim 14, drawn to a method of treating or preventing a disease or disorder.

In response to this restriction requirement, applicants hereby provisionally elect Group I, *i.e.*, Claims 1-5, 11, and 12, drawn to a compound or composition of Formula (I), wherein R₈ and R₉ are a phenyl ring, and X is O, for continued examination.

Since Examiner's Group I is provisionally elected, applicants are further required under 35 U.S.C. § 121 to elect a single disclosed species of one of the compounds recited in Claim 4. Accordingly, applicants provisionally elect 1-Benzyl-3-(2-ethoxy-phenyl)-1-[1-(4-methyl-3-oxo-3,4-dihydro-quinoxalin-2-yl)-ethyl]-urea as the single species of one of the compounds recited in Claim 4.

Claims 1, 4, 11 and 12 are readable on the elected species.

If a telephone conference would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone her at the number provided below.

No fee is required for the filing of this Communication. However, in the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any fee or additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2215, under Order No. A0345.0012.

Furthermore, if this Communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 50-2215, under Order No. A0345.0012.

Communication in Response to April 9, 2008

Non-Final Office Action (Restriction Requirement)

Dated: May 1, 2008

Respectfully submitted,

By 

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